Policy 218

Fresno Police Department Policy Manual Concealed Weapon License

218.1 POLICY

The Fresno Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

218.1.1 PURPOSE AND SCOPE

Only the Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents* of the City of Fresno (<u>Penal Code</u> §§ 26150 and 26155). This policy will provide an outline for the application process and issuance of a license to carry a concealed firearm to Fresno residents. Pursuant to Penal Code §26160, these procedures shall be made accessible to the public.

218.1.2 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff of Fresno County to process all applications and license renewals for the carrying of concealed weapons [Penal Code §26155(c)].

218.2 QUALIFICATIONS

Concealed Carry Weapons (CCW) applicants *are subject* to the following qualifications:

- (a) The applicant is 21 years of age and resides in the City of Fresno
- (b) The applicant is of good moral character;
- (c) Good cause exists for issuance of the license;
- (d) The applicant has completed a course of training as described in Penal Code §26165; and
- (e) The applicant is not a member of one of the prohibited categories as specified in the application.

218.2.1 RESTRICTIONS

The following are standard *restrictions* that shall apply to all *CCW* licenses. The licensee *shall*:

- (a) Not have alcohol or drugs in system while carrying the weapon:
- (b) Not represent self as a peace officer at any time;
- (c) Not violate any local, State, or Federal laws;
- (d) Not be under the influence of any medication which is labeled with a warning not to operate a motor vehicle or other machinery;
- (e) Not impede any law enforcement officer in the performance of their duties;
- (f) Not refuse to display or surrender their permit and weapon when requested to do so by a peace officer;
- (g) Not unjustifiably display a deadly weapon;
- (h) Immediately notify a peace officer, with whom the licensee comes in contact, that the licensee is armed and has a permit in their possession;
- (i) Not carry weapon on any public school, private school, college, or university;
- (j) Not carry weapon into any courthouse;
- (k) Not carry weapon in a place having a primary purpose of dispensing alcoholic beverages for onsite consumption;
- (I) Not carry weapon while attending any social or public function where weapons are prohibited; and
- (m) Not carry weapon into controlled access area of any airport or fly on any commercial airplane with a weapon, except as directed by authorized airport and/or airline personnel.

218.3 APPLICATION PROCESS

Concealed weapons applications can be obtained online through the City of Fresno website or by contacting the CCW Coordinator at 276-6056. Applications will be those prescribed by the Attorney

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^{*}Some non-residents may qualify.

General in accordance with <u>Penal Code</u> §26175, as amended. The firearms training specified in this article may be started and completed after the application has been received by the *Fresno* Police Department; however, the CCW license shall not be issued until applicant produces evidence of successful completion of the required training.

218.3.1 APPLICATION

Applicants are to complete the California Department of Justice (DOJ) Standard Application form. The completed form <u>must be returned in person</u> to the Concealed Weapons Permit Office. Please call the CCW Coordinator at (559) 276-6056 for an appointment to return the form.

<u>WARNING</u>: IT IS A CRIME TO KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION TO CARRY A CONCEALED WEAPON (<u>Penal Code</u> §26180).

218.3.2 GOOD CAUSE DETERMINATION

Good Cause is defined as any citizen concerned for the safety of themselves, their family and friends or their employees. An investigation will be conducted into the applicant's statement of good cause. The determination of good cause should consider the totality of circumstances in each individual case. If the applicant states that good cause for obtaining a concealed weapon permit is related to his/her employment, the applicant MUST provide a letter from the employer authorizing the applicant to carry a concealed weapon during the course of his/her employment.

If the applicant meets the good cause requirement, he/she will be requested to appear at the Concealed Weapon Permits Office to continue the application process. If a determination is made that the applicant does not meet the good cause requirement, the application will be denied and the applicant will be notified in writing (<u>Penal Code</u> §26202).

218.3.3 FEES

The Fresno Police Department will charge a non-refundable fee of \$100.00 for processing the application once a determination has been made that the applicant has met the good cause requirement. In addition, the State Department of Justice charges a non-refundable fee of \$95.00 for processing the applicant's fingerprints as part of a criminal background investigation. A total of \$195.00, payable by Cashier's Check or Money Order to the Fresno Police Department, will be required at that time.

Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in <u>Penal Code</u> §§830.6(a) or (b) (<u>Penal Code</u> §26170).

218.3.4 FINGERPRINTS

The applicant will also be required to appear in person at the Fresno City Hall/Human Resources Department to have his/her fingerprints Live Scanned. At that time, the applicant must pay the required fingerprint scanning fee by Cashier's Check or Money Order. The fee is not refundable (Contact the Personnel Services Department at 621-6950 for the current Live Scan fee amount).

218.3.5 CRIMINAL HISTORY

The applicant's fingerprints will be Live Scanned to the State of California Department of Justice where his/her background will be checked to determine if they are free from those criminal offenses that would prohibit them from acquiring a concealed weapon permit. Persons convicted of certain criminal offenses or with a history of certain mental problems are prohibited by law from obtaining a concealed weapon permit. These offenses are listed in the application attachments.

A permit cannot be issued until clearance from the Department of Justice is received.

218.3.6 BACKGROUND CHECK

The Fresno Police Department will conduct a background investigation to verify the information on the applicant's application and to determine if he/she meets the good moral character requirement. Applicants, at minimum, must have no criminal convictions within the past 10 years of a crime involving

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moral turpitude or crime of violence (e.g. assault with a deadly weapon, domestic violence, battery, manslaughter, murder, etc.), have no history of alcohol or drug abuse, and have no dishonorable discharge from military service.

218.3.7 TRAINING AND QUALIFICATION

The applicant must provide evidence of having met this requirement before a permit will be issued. Applicants must provide proof of having completed an approved handgun training course (of a minimum of eight hours) and having fired a minimum of 100 rounds with weapons to be carried. A training course must be completed which involves a certified course of instruction by an instructor certified by the State of California. The Basic Safety Course involving a test or the viewing of a video does not meet the training requirement.

218.3.8 HANDGUN REQUIREMENTS

Other than new handguns purchased through a State of California authorized licensed gun dealers, the applicant must provide <u>documented proof</u> the weapon to be carried is a safe handgun and that he/she have qualified with the weapon to be carried.

The weapon must be checked by a California DOJ approved range master or armorer.

218.4 PERMIT ISSUANCE

If the applicant has met all requirements for a concealed weapon permit, they will be directed to respond in person to the Concealed Weapon Permits Coordinator's office in order to receive their permit. The Chief of Police, in accordance with State law, shall be the final issuing authority.

218.4.1 HOLD HARMLESS AGREEMENT

An approved CCW License permit holder shall be required to sign a form that shall indemnify, hold harmless, and defend the City, its officers, officials, employees and agents from any and all loss, liability fines, penalties, forfeitures, costs and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and from any and all claims, demands, and actions in law or equity (including reasonable attorney's fees and litigation expenses) arising out of or in connection with intentional or negligent acts or omissions of the permit holder.

218.4.2 RENEWALS

A concealed weapon permit is valid for two years. The permit must be renewed bi-annually to remain valid. The applicant will show evidence of successful completion of the required course of training, (Minimum of four hours & 50 rounds fired), which involves a certified course of instruction by an instructor certified by the State of California. All CCW license renewals shall be made within a time period of sixty (60) days before the expiration date of the CCW.

A non-refundable fee of \$25.00, payable to the City of Fresno by Cashier's Check or Money Order, is due at the time of renewal. In addition, the State Department of Justice charges a non-refundable fee of \$52.00 for the concealed weapon permit renewal and payable to the California Department of Justice by Cashier's Check or Money Order at the time of renewal.

218.4.3 MODIFICATION OF LICENSE FORM (AMENDMENTS)

A change of name, address, addition or deletion of a weapon, or other changes to the concealed weapon permit is considered a modification or amendment. A non-refundable fee of \$10.00 is payable by Cashier's Check or Money Order at the time of the modification or amendment.

218.4.3 REVOCATION

The Police Chief may revoke a CCW License at any time based upon any of the following:

- (a) There is a material misstatement on the application;
- (b) The permit holder becomes ineligible to make an application pursuant to the qualifications stated in Penal Code:
- (c) Other relevant, articulable factors as deemed by the Chief of Police.

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218.5 PERMIT DENIAL

The Chief of Police shall have the right to deny any CCW License application based upon *any of* the following:

- (a) The results of the California Department of Justice background check;
- (b) The results of the local background check; or
- (c) Other relevant, *articulable* factors *as deemed by* the Chief of Police.

In situations where the local background check information that is not ordinarily contained in routine state or federal background checks discloses disqualifying information, the Chief of Police at his/her discretion, may, in accordance with state law, deny the application. Upon such denial, the Chief of Police will disclose, in writing, such information to the rejected applicant that justifies said denial, including which requirement the applicant did not satisfy. Pursuant to Penal Code §26205, the Chief shall give written notice to the applicant indicating that the CCW license is approved or denied within 90 days of the initial application for a new license or renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. The Chief of Police shall not be required to disclose a specific reason or reasons why an application was denied, if he/she determines that the disclosure of such reason or reasons would endanger the health, safety or security of the citizens of the City, or State.

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